

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
FOR THE NORTHERN DIVISION**

MARIANNE DAVIS,

Plaintiff,

v.

SYNCHRONY BANK,

Defendant.

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PLAINTIFF’S COMPLAINT

Case No. 2:17-cv-134

COMPLAINT

NOW COMES Plaintiff, MARIANNE DAVIS (“Plaintiff”), by and through her attorneys, and hereby alleges the following against Defendant, SYNCHRONY BANK (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction of this action pursuant to 47 U.S.C. § 227(b)(3) and 28 U.S.C. § 1331.

3. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) as the acts giving rise to Plaintiffs’ cause of action occurred in this district as Plaintiffs reside in this district and as Defendant transacts business in this district.

PARTIES

4. Plaintiff is a natural person residing in Sault Sainte Marie, Michigan.

5. Defendant is a business entity headquartered in Draper, Utah.

6. Defendant acted through its agents, employees, officers, members, directors, heirs,

successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

7. Defendant places telephone calls to telephone number [REDACTED].
8. Telephone number [REDACTED] has been assigned to Plaintiff's cellular telephone.
9. These calls are made in connection with an attempt to collect an alleged debt.
10. These calls are not for emergency purposes.
11. Upon information and good faith belief, and in light of the frequency, number, nature, and character of these calls, Defendant placed them by using an automatic telephone dialing system.
12. On or about March 13, 2017 Plaintiff instructed Defendant to stop calling her cell phone.
13. Defendant continued to use an automatic telephone dialing system to Plaintiff's cell phone after March 13, 2017.
14. Upon information and good faith belief, Defendant has called Plaintiff's cell phone at least one hundred forty (140) times since March 13, 2017.
15. Defendant used an automatic telephone dialing system to place these calls.
16. Defendant did not have Plaintiff's prior express consent to use an automatic telephone dialing system to place these calls.
17. Defendant placed these calls voluntarily.
18. Defendant placed these calls under its own free will.
19. Defendant had knowledge that did not have Plaintiff's prior express consent to use an

automatic telephone dialing system to place these calls

20. Defendant willfully used an automatic telephone dialing system to place these calls.

21. Plaintiff is annoyed and feels harassed by Defendant's calls.

COUNT I
DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

22. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

23. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff, MARIANNE DAVIS, respectfully requests judgment be entered against Defendant, SYNCHRONY BANK for the following:

24. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B).

25. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C),

26. All court costs, witness fees and other fees incurred.

27. Any other relief that this Honorable Court deems appropriate.

Respectfully submitted,

Dated: August 8, 2017

/s/ Adam T. Hill
Adam T. Hill
KROHN & MOSS, LTD.
10 N. Dearborn St., 3rd Fl.
Chicago, Illinois 60602
Telephone: 312-578-9428
Telefax: 866-861-1390
ahill@consumerlawcenter.com
Attorneys for Plaintiff